

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

[Material change of use]

Issued by: HORSHAM DISTRICT COUNCIL (“the Council”)

Reference number: EN/21/0526

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Rye Island, Hollands Lane, Henfield, West Sussex, BN5 9QY, shown edged red on the attached plan (“the Land”).

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, material change of use of the land and buildings from agriculture to B1(c) office use, B2 workshop use and B8 storage use and as a showroom in connection with two events businesses and change of use of the external yard area from the storage of plant and machinery to B8 storage of metal containers used in connection with the events businesses and storage of a caravan.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years. The site lies outside a defined built-up area within the countryside, where policies seek to strictly control development unless there are compelling circumstances. The aims of these policies are supported by the Government’s NPPF which re-introduces a presumption in favour of sustainable development. However, this is not an unconditional presumption and makes it clear that development must be sustainable and accord with the policies in the Local Plan. The development, by virtue of its scale and nature of uses, represents an inappropriate form of development in this rural location for the following reasons: The cluster of buildings being used in conjunction with the two events businesses results in an increase in vehicular movements to the site, which given its rural location, does not support the principle of sustainable economic growth. Furthermore, by reason of the significant increase in the overall level of activity on the site, it is not of a scale appropriate to its countryside character and

location. The development is therefore not considered essential to its countryside location and is contrary to Policies 2, 10, 25 and 26 of the Horsham District Planning Framework (2015).

Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the development does not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- (1) Permanently cease the use of the land and buildings for B1(c), B2 and B8 purposes;
- (2) Remove from the land and buildings all items and equipment associated with these uses as follows:
 - (a) Remove all the furniture, props, decorations, fixtures and fittings from the display area/showroom shown in the approximate location on the attached plan
 - (b) Remove all the tents, marquees and associated fixtures and fittings from the warehouse building shown in the approximate location on the attached plan;
 - (c) Remove all the desks, furniture and associated equipment from the offices shown in the approximate location on the attached plan;
 - (d) Remove all the military vehicles and associated equipment from the warehouse/workshop building shown in the approximate location on the attached plan;
 - (d) Remove all the metal containers, storage racks and vehicles from the outside yard shown in the approximate location on the attached plan;
 - (e) Remove the caravan shown in the approximate location on the attached plan from the land.

6. TIME FOR COMPLIANCE

Six months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26 January 2022 unless an appeal is made against it beforehand.

Dated: 15/12/2021

Signed: 

Sharon Evans

Head of Legal and Democratic Services on behalf of Horsham District Council, Parkside, Chart Way,
Horsham, West Sussex RH12 1RL

Nominated officer Reg Hawks

Telephone number 01403 215076

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. You can also find the information sheet at the following link:

<https://www.gov.uk/government/publications/enforcement-appeals-appeal-information-sheet-for-local-planning-authorities>

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against the enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

EXPLANATORY NOTE

Horsham District Council has issued an enforcement notice relating to land at Rye Island, Hollands Lane, Henfield, West Sussex, BN5 9QY and you are served with a copy of the notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this explanatory note.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received by the Planning Inspectorate before the date specified in paragraph 6 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

GROUND OF APPEAL

The grounds of appeal are set out in section 174 of the Act. You may appeal on one or more of the following grounds:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged (ground a);
- Those matters have not occurred (ground b);
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c);
- At the date when the notice was issued no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters (ground d);
- Copies of the enforcement notice were not served as required by section 172 of the Act (ground e);
- The steps required the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach (ground f);
- Any period specified in the notice accordance with section 173(9) of the Act falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you wish to appeal on ground (a) of section 174(2) of the Act, this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00. You should pay the fee in full to Horsham District Council. If the fee is not paid that ground of appeal is not valid. In the case of an enforcement appeal, the fee is double the amount for a normal planning application fee.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal, the Secretary of State will send you a notice requiring you to do so within 14 days.

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 – 177 of the Act is attached for your information.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE:

The Owners:

1. Mr Alexander James Ronald Yearsley of Rye Farmhouse, Hollands Lane, Henfield, West Sussex, BN5 9QY;
2. Ms Katherine Barbara Hudson, Rye Farmhouse, Hollands Lane, Henfield, West Sussex, BN5 9QY

The Occupiers:

1. Mr Alexander James Ronald Yearsley of Rye Farmhouse, Hollands Lane, Henfield, West Sussex, BN5 9QY;
2. Ms Katherine Barbara Hudson, Rye Farmhouse, Hollands Lane, Henfield, West Sussex, BN5 9QY
3. The Director, House of Hud Limited, Hilden Park House, 79 Tonbridge Road, Hildenborough, Tonbridge, Kent, TN11 9BH;

Other Interested Parties:

1. Mr Peter Haworth-Booth and Susan Haworth-Booth of Leat Farm, Oreham Common, Henfield, West Sussex, BN5 9SB;
2. The Owner/Occupier;
3. The Clerk, Henfield Parish Council, The Henfield Hall, Coopers Way, Henfield, West Sussex, BN5 9EQ

THE PLAN



Horsham District Council

Parkside, Chart Way, Horsham
West Sussex RH12 1RL.

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**Enforcement Notice Plan:
Land at Rye Island, Hollands Lane, Henfield, West Sussex**

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